

## PATENT COOPERATION TREATY

Rec'd PCT/PTO 16 FEB 2005 Groningen

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

- 6 SEP 2004

PCT

To:

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2587 BN Den Haag  
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31 AUG 2004

STICHTING ASTRON

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

25.08.2004

Applicant's or agent's file reference  
P61262PC00

## IMPORTANT NOTIFICATION

International application No.  
PCT/NL 02/00552International filing date (day/month/year)  
16.08.2002Priority date (day/month/year)  
16.08.2002

Applicant

STICHTING ASTRON et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:

European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 apmu d  
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Weman, E



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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>P61262PC00</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. <b>PCT/NL 02/00552</b>	International filing date (day/month/year) <b>16.08.2002</b>	Priority date (day/month/year) <b>16.08.2002</b>
International Patent Classification (IPC) or both national classification and IPC <b>G01S3/02</b>		
Applicant <b>STICHTING ASTRON et al.</b>		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of    sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I    <input checked="" type="checkbox"/> Basis of the opinion</li> <li>II   <input type="checkbox"/> Priority</li> <li>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV   <input type="checkbox"/> Lack of unity of invention</li> <li>V    <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI   <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>		
Date of submission of the demand  <b>04.03.2004</b>	Date of completion of this report  <b>25.08.2004</b>	
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  <b>Teale, A</b>  Telephone No. +49 89 2399-8220  	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**International application No. **PCT/NL 02/00552****I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-14 as originally filed

**Claims, Numbers**

1-22 as originally filed

**Drawings, Sheets**

1-3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 21,22

because:

☒ the said international application, or the said claims Nos. 21,22 relate to the following subject matter which does not require an international preliminary examination (specify):

**see separate sheet**

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-19
	No: Claims	20
Inventive step (IS)	Yes: Claims	1-19
	No: Claims	20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

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**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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**Re Item III****(Non-establishment of opinion with regard to novelty, inventive step and industrial applicability.)**

Claim 21 sets out a "computer program product" and claim 22 a "data carrier" representing the computer program product of claim 21. Under the PCT International Preliminary Examination Guidelines (version in force from 9 October 1998), IV 2.4 (f) and Rule 67.1(vi) PCT, such claims need not be examined by the IPEA and the IPEA chooses not to carry out such preliminary examination of claims 21 and 22.

**Re Item V****(Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.)**

1. Reference is made to the following document:

D1: US-B-6 239 7471 (KAMINSKI WALTER JOSEPH) 29 May 2001 (2001-05-29)

2. D1 forms the closest prior art on file, disclosing (column 12, lines 8 to 27) a method of calibrating phase errors (termed "geometric correction factors") in a sensor array comprising:

receiving an output signal of at least two sensor element signals in reaction to an input signal from a signal source (see figure 1, elements 12, 14 and 16), and

estimating a cross-correlation between the output signals of at least two of said sensor elements (column 3, lines 1 to 8).

3. The subject-matter of claims 1 and 17 differs from this prior art in the features set out in lines 9-20 and 25-5 (page 18), respectively, i.e. the features relating to optimising, parameter estimation and the cross-correlation model.

Since these difference features are neither known nor derivable from any document on file and are not matters of usual design, the subject-matter of claims 1-19 complies with Article 33(2,3) PCT regarding novelty and inventive step.

4. The reference in claim 20 to an array signal processing system being calibrated by

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the claimed method is not seen as restricting the technical features of the array signal processing system, since such a system is indistinguishable from a system using the same calibration parameters, but derived by a different method.

Hence claim 20 is regarded as effectively setting out an "array signal processing system", thus lacking novelty, Article 33(2) PCT, in view of figure 1 of D1.

5. As set out above, the IPEA chooses not to examine claims 21 and 22.
6. The subject-matter of claims 1-20 complies with Article 33(4) PCT regarding industrial applicability.